



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 08 2008

**OFFICE OF PETITIONS**

In re Application of :  
Robert J. Bernardi et al. :  
Application No. 09/854,172 : DECISION ON SECOND RENEWED  
Filed: May 11, 2001 : PETITION PURSUANT TO  
Attorney Docket No. 18864- : 37 C.F.R. § 1.181(A)  
06052US :  
Title: AUTO-ADJUST NOISE :  
CANCELING MICROPHONE WITH :  
POSITION SENSOR :  
:

BACKGROUND

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.181(a), filed June 6, 2008, to withdraw the holding of abandonment.

This second renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 24, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees<sup>1</sup>. Accordingly, the above-identified application became abandoned on July 25, 2007. A Notice of Abandonment was mailed on August 17, 2007.

An original petition was filed on August 28, 2007, which was dismissed via the mailing of a decision on October 1, 2007, as the documentation that Petitioner submitted did not appear to be electronically reproducible.

<sup>1</sup> See MPEP § 710.02(e).

A renewed petition was filed on November 21, 2007, and was dismissed for failing to:

- either include a copy of the master docket for the firm or indicate that no such master docket exists, and;
- include a complete copy of the individual docket record for this application.

With this second renewed petition, Petitioner has:

- indicated that no master docket exists, and;
- included a complete copy of the individual docket record for this application.

The Technology Center will be notified of this decision. The Technology Center's support staff will mail a new Notice of Allowance and Issue Fee Due, as well as a copy of the Notice of Allowability. The three-month non-extendable time period for paying the issue fee will be set to run from the mailing date of the Notice of Allowance and Issue Fee Due.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225<sup>2</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.